

**COUNCIL VARIANCE APPLICATION**

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

CV14-040

Application Number: CV14-040 / 14315-0000-00526  
Date Received: 7/29/14  
Application Accepted By: S. Fine Fee: \$1760  
Comments: Assigned to Eliza Thrush [elcthrush@columbus.gov](mailto:elcthrush@columbus.gov)  
045-1341

**LOCATION AND ZONING REQUEST:**

Certified Address (for Zoning Purposes) 4109 N. HIGH STREET Zip 43214  
Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No  
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-071204  
☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): C-4

Civic Association or Area Commission: CLINTONVILLE AREA COMMISSION

Proposed use or reason for Council Variance request: CONDOMINIUMS + RESTAURANT (3356.03), PARKING  
SETBACK (3312.27), BUILDING SETBACKS (3356.11), VISIBILITY  
TRIANGLE (3321.05, 0.2), + PARKING COUNT (3312.47)

Acreage: 1.274 AC.

**APPLICANT:** Name RICHARD ALAN SICKER c/o RAS CIVIL ENGINEERING, LLC  
Address 4284 TULLER ROAD City/State DUBLIN, OHIO Zip 43017  
Phone # (614) 581-8504 Fax # (614) 761-0717 Email: RICK\_SICKER@ATT.NET

**PROPERTY OWNER(S):** Name A-Z INVESTMENT PROPERTIES, PHILIP E. ABSI  
Address 3790 SOUTH OLD 30 ROAD City/State GALENA, OHIO Zip 43021  
Phone # 740-965-3790 Fax # 614-263-1860 Email: gabsi@peabsi.com  
☐ Check here if listing additional property owners on a separate page.

**ATTORNEY / AGENT** ☐ Attorney ☐ Agent

Name \_\_\_\_\_  
Address \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email: \_\_\_\_\_

**SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)**

APPLICANT SIGNATURE Richard Alan Sicker  
PROPERTY OWNER SIGNATURE Philip E. Absi  
ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
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Please make all checks payable to the Columbus City Treasurer



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CN14-040

### STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code  
Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of Public Streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:

Four Hardships exist for this project:

- 1) The existing topography doesn't allow for feasible development of the entire southwest corner of the site. This pushes the developable area forward, which also allows for maintaining natural features in the southwest corner as we have been told is desirable to the neighborhood.
- 2) Proposed development cannot conform to existing zoning district or any existing zoning district established by the zoning code.
- 3) When the existing culvert was constructed on the site by the previous owner, they failed to compact the soil properly. The building locations need to be at maximum virgin soil.
- 4) Unlike many commercial sites on high street, the subject does not currently fall within the overlay which would allow for many of the proposed variances including reduced building setback and parking. We have been told that it is desirable to the neighborhood to meet as many of the overlay district requirements as feasible.

Signature of Applicant

*Bubba Alan Suter*

Date

7/29/14

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Revised 11/12 tmt

**RAS Civil Engineering, LLC****Narrative**

4254 Tuller Road ♦ Dublin ♦ Ohio ♦ 43017

614-581-8504 ♦ www.RASCivilEngineering.com

**To:** Shannon L. Pine  
**From:** Rick Sicker  
**Date:** July 28, 2014  
**Subject:** 4109 North High Street – Council Variance

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We are requested variances from the following Columbus Zoning Codes/Sections:

**3356.03:** to allow a Residential Use (5 – 7 condominiums) to exist within a C-4 zoning. A Restaurant will also be on the site, which is permitted in C-4.

**3356.11 A.2:** to reduce the building setback along High Street from 60' to 0' and to reduce the building setback along Croswell Road from 30' to 0' as currently permitted in the overlay district.

**3312.27:** to reduce the parking setback along High Street and Croswell Road from 25' to 0' as currently permitted in the overlay district.

**3312.49 C:** to reduce the parking requirement for a restaurant to be reduced by 25% as currently permitted in the overlay district.

**3321.05 B.2:** to reduce the vision clearance at the intersection of High Street and Croswell Road from 30' to 0' as currently permitted in the overlay district.

**3312.05 A.1:** to reduce the clear vision triangle from 10' to 0' at the driveways.



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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CV 14-040

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME RICKARD ALAN SICKER  
of (1) MAILING ADDRESS IAS CIVIL ENGINEERING, 4254 TULLER ROAD, DUBLIN, OH 43017  
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a  
list of the name(s) and mailing address(es) of all the owners of record of the property located at  
(2) per CERTIFIED ADDRESS FOR ZONING PURPOSES 4109 N. HIGH STREET, COLUMBUS, OH 43214  
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building  
and Zoning Services, on (3) July 29, 2014

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) A-Z INVESTMENT PROPERTIES, LTD.  
(PHILIP E. ABSI)  
3790 SOUTH OLD 30 ROAD  
GALENA, OH 43021

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

RICKARD ALAN SICKER  
(614) 581-8504

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) CLINTONVILLE AREA COMMISSION  
DANA BAGWELL, ZONING CHAIR  
3909 N. HIGH ST., COLS, OH 43214

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property(7)

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8)

Subscribed to me in my presence and before me this 28<sup>th</sup> day of JULY, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission



Victor M. Lopez  
Notary Public, State of Ohio  
My Commission Expires 12-25-2018

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**APPLICANT**

RICKARD ALAN SICKER  
RAS CIVIL ENGINEERING, LLC  
4254 TULLER ROAD  
DUBLIN, OHIO 43017

**PROPERTY OWNER**

A-Z INVESTMENT PROPERTIES  
PHILIP E. ABSI  
3790 SOUTH OLD 3C ROAD  
GALENA, OHIO 43021

**AREA COMMISSION**

DANIEL MILLER - CHAIR  
CLINTONVILLE AREA COM.  
87 TORRENCE ROAD  
COLUMBUS, OHIO 43214

**SURROUNDING PROPERTY  
OWNERS**

METRO CLINTONVILLE III, LLC  
CONTINENTAL REAL ESTATE  
150 EAST BROAD STREET  
COLUMBUS, OHIO 43215

OHIO FAMILY OF GENERAL  
PRACTICE PHYSICIANS  
4075 NORTH HIGH STREET  
COLUMBUS, OHIO 43214

OHIO HIGH SCHOOL ATHLETIC  
ASSOCIATION  
4080 ROSELEA PLACE  
COLUMBUS, OHIO 43214

CITY OF COLUMBUS REAL  
ESTATE MANAGEMENT  
90 WEST BROAD STREET  
COLUMBUS, OHIO 43215

ADVOCACY AND PROTECTIVE  
SERVICES, INC.  
3200 RIVERSIDE DRIVE  
UPPER ARLINGTON, OHIO 43221

FIFTH THIRD BANK  
MD 10ATA1 CORP FAC  
38 FOUNTAIN SQUARE PLAZA  
CINCINNATI, OHIO 45263

OVERBROOK PRESBYTERIAN  
CHURCH  
4131 NORTH HIGH STREET  
COLUMBUS, OHIO 43214

OHIO ECOLOGICAL FOOD AND  
FARM ASSOCIATION  
41 CROSWELL ROAD  
COLUMBUS, OHIO 43214

CV14-040



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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # CV14-040

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] RICHARD ALAN SICKER

Of [COMPLETE ADDRESS] RAS CIVIL ENGINEERING, 4254 TWILER RD, DUBLIN, OH 43017  
deposes and states that [he/she] is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY  
FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having  
a 5% or more interest in the project which is the subject of this application in the following formats

Name of business or individual  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

1. <u>A-Z Investment Properties, Ltd.</u> <u>3790 SOUTH OLD SC ROAD</u> <u>GALENA, OHIO 43021</u> <u>PHILIP E. Absi (740) 965-3790</u>	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 28<sup>TH</sup> day of JULY, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



Victor M. Lopez  
Notary Public, State of Ohio  
My Commission Expires 12-25-2018

This Project Disclosure Statement expires six months after date of notarization.

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**RAS Civil Engineering, LLC****Legal Description**

4254 Tuller Road ♦ Dublin ♦ Ohio ♦ 43017

614-581-8504 ♦ [www.RASCivilEngineering.com](http://www.RASCivilEngineering.com)**EXHIBIT 'A'**

Situated in the County of Franklin, State of Ohio, City of Columbus, being part of Lot 5 in the Second Quarter of the First Township in the 18<sup>th</sup> Range of the United States Military Lands, containing 1.274 acres, and part of the tract conveyed to Ray Sims et. al. by deed of record in Deed Book 1803, Page 235, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin found in the westerly line of North High Street at its intersection with the southerly line of said Ray Sims, et. al. tract (being the southwest corner of a 45-foot strip conveyed to the City of Columbus by deed of record in Deed Book 1882, Page 301, Recorder's Office, Franklin County, Ohio);

Thence along the south line of the said Ray Sims et. al. tract, North 87° 35' 30" West, 260 feet to an iron pin;

Thence North 07° 15' 40" West, 187.26 feet to an iron pin in the south line of Croswell Road, as accepted, dedicated, and named by Ordinance No. 105-46 of the Council of the City of Columbus, Ohio.

Thence along the arc of the curve of the south line of Croswell Road (radius = 427.52 feet, sub-delta = 16° 12'), the chord of which bears North 75° 03' 20" East, 120.46 feet to an iron pin at the point of tangency of said curve;

Continuing along the southerly line of said Croswell Road, North 66° 57' 20" East, 116.36 feet to an iron pin at the intersection of said southerly line with the west line of the said 45-foot strip conveyed to the City of Columbus (being the westerly line of North High Street);

Thence along the westerly line of said North High Street (being the westerly line of said 45-foot strip conveyed to the City of Columbus) South 12° 22' East, 279.82 feet to the place of beginning, containing 1.274 acres, more or less.

Subject to all legal highways, conditions, restrictions, and easements of record, if any, and all taxes and assessments from the date hereof.



# City of Columbus Zoning Plat



CV14-040

## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010071204

Zoning Number: 4109

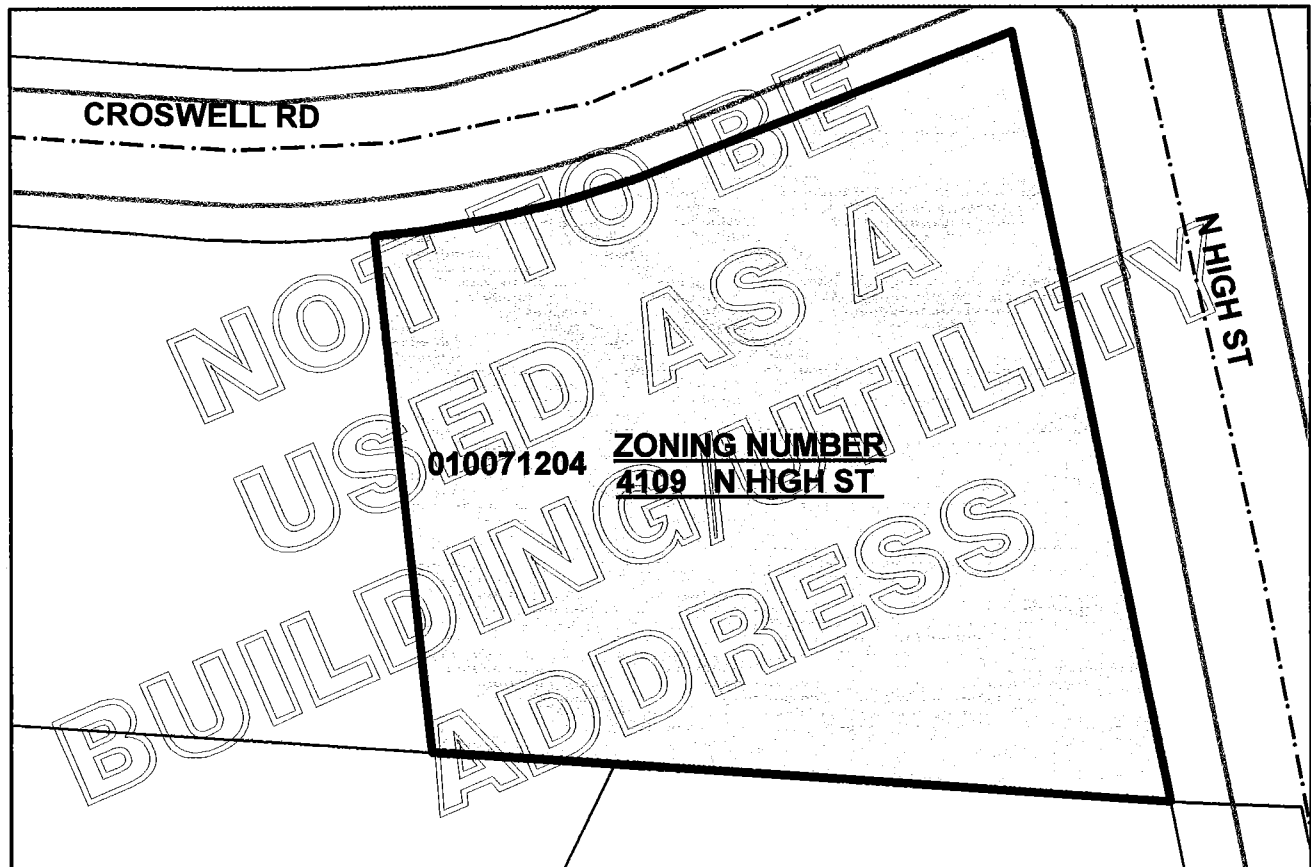
Street Name: N HIGH ST

Lot Number N/A

Subdivision: N/A

Requested By: A-Z INVESTMENT PROPERTIES, LTD (PHILIP E. ABSI)

Issued By: *Patricia Austin* Date: 2/28/2014



SCALE: 1 inch = 67 feet



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

GIS FILE NUMBER: 18023



**MAP ID: c**

**DATE: 7/24/14**



Scale = 60



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department



- ① 1 1/2" HOT - MIXED, HOT LAID ASPHALT CONCRETE (85-100) ITEM 404.  
② 1 1/2" HOT - MIXED, HOT LAID ASPHALT CONCRETE (85-100) ITEM 402.  
③ 8" AGGREGATE BASE, ITEM 304  
④ SUBGRADE COMPACTION, ITEM 204

**STANDARD PAVEMENT DETAIL**  
NO SCALE

ZONED ORIG  
02/27/1928  
R-3, H-35

$\Delta = 16^{\circ}12'00''$   
 $R = 427.52'$   
 $N75^{\circ}03'20''E$   
 $120.46'$

ZONED ORIG  
02/27/1928  
C-4, H-35

CROSWELL ROAD (60'RW)

PROPOSED  
RESTAURANT  
4740 SF

PATIO 800 SF

ZONED ORIG  
02/27/1928  
C-4, H-35

**PARKING REQUIREMENT**

REQUIRED: RESTAURANT 4780/75 = 63.2  
PATIO 800/150 = 5.3  
CONDOS 6 UNITS X 1.5 = 9  
TOTAL = 78 SPACES

ACTUAL: 58 + 18 = 76 SPACES ( 3 H.C. SPACES )

BICYCLE PARKING: 1/20 PARKING SPACES REQUIRED =  
69/20 + 9/20 = 4 + 1 = 5 BIKE RACKS  
ACTUAL: 5 BIKE RACKS

SHADE TREES REQUIRED (2" CALIPER MIN. IN 145 SF ISLAND)  
1 TREE / 10 SPACES, 58/10 + 18/10 = 6 + 2 = 8 TREES  
ACTUAL: 8 TREES

**NOTES:**

ALL DIMENSIONS ARE TO EDGE OF PAVEMENT.  
TYPICAL PARKING SPACE IS 9' x 18'.  
FOR EXACT BUILDING AND FOUNDATION DIMENSIONS, SEE ARCHITECTURAL PLANS.

**SANITARY SEWER NOTE:**

THE PROPOSED STORAGE BUILDINGS DO NOT HAVE WATER OR SANITARY SERVICES.  
CONNECTION TO SANITARY SEWER CANNOT BE MADE WITHOUT OBTAINING A PERMIT FROM  
SEWER PERMIT OFFICE, 910 DUBLIN ROAD, 3RD FLOOR 614-645-7490. CONTACT THE SEWER  
PERMIT OFFICE REGARDING ANY FEES TO TAP DUE TO REHAB PROJECT ALONG HIGH STREET  
AND CALIFORNIA AVENUE.

**SITE DATA TABLE**

TOTAL SITE AREA: 1.274 AC.  
TOTAL DISTURBED AREA: 0.985 AC.  
PRE-DEVELOPED IMPERVIOUS: 0.000 AC.  
POST-DEVELOPED IMPERVIOUS: 0.763 AC.

ZONING : COMMERCIAL, C-4  
EFFECTIVE 7/3/1952, HEIGHT DISTRICT H-35

COMMERCIAL OVERLAY: N/A

ZONING CERTIFIED ADDRESS: 4109 NORTH HIGH STREET

PARCEL #: 010-071204

**GENERAL NOTES:**

TOTAL AREA OF SITE = 1.274 AC.  
MAXIMUM HEIGHT OF BUILDING = 35'

**FLOOD PLAIN NOTE**

THIS SITE FALLS WITHIN ZONE X OF THE FEMA PANEL  
#39049C0167K, DATED JUNE 17, 2008. ZONE X DENOTED AREAS  
OUTSIDE THE 500 YEAR FLOOD PLAIN.

**COMPLIANCE NOTE**

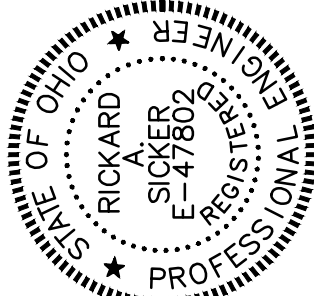
WE WILL COMPLY WITH SECTION 3312.21 SCREENS;  
3312.39 STRIPPING/MARKING; 3312.43 SURFACE; AND  
3312.45 WHEEL STOPS/CURB.

DEVELOPER: NELSON G. YODER, PRINCIPAL  
CRAWFORD HOYING DEVELOPMENT PARTNERS  
555 METRO PLACE NORTH, SUITE 600  
DUBLIN, OHIO 43017  
PHONE: 614-335-2078  
EMAIL: NYODER@CRAWFORDHOYING.COM

PLAN DESIGNER: RAS CIVIL ENGINEERING, LLC  
4254 TULLER ROAD  
DUBLIN, OHIO 43017  
PHONE: 614-581-8504  
FAX: 614-761-0717  
EMAIL: RICK\_SICKER@ATT.NET

**REVISIONS**

REV #	DATE	SHEET	DESCRIPTION	APPROVED



RAS CIVIL ENGINEERING, LLC

CIVIL ENGINEERING & SURVEYING SERVICES  
4254 TULLER ROAD • DUBLIN • OHIO • 43017  
614-581-8504 • RASLLC@AMERITECH.NET

*Rickard Sicker* 47802 08/04/14  
REGISTERED ENGINEER NO. DATE

COLUMBUS, OHIO  
RUSTY BUCKET RESTAURANT &  
RESIDENTIAL CONDOMINIUMS  
NORTH HIGH STREET AND CROSWELL ROAD

ZONING COMPLIANCE PLAN

JOB NO.: 14-016  
DATE: JULY, 2014  
SCALE:  
HORIZONTAL: 1"=20'  
VERTICAL: N/A  
SHEET NO.: 1 / 1

ZONED 570  
09/13/1954  
C-4, H-35

OHIO ACADEMY OF GENERAL PRACTICE  
D.B. 2338, PG. 227  
0.666 ACRES  
P.N. 010-071131

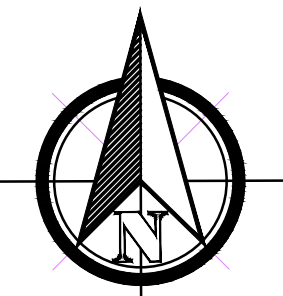
ZONED 570  
09/13/1954  
C-4, H-35

OHIO HIGH SCHOOL ATHLETIC ASSOCIATION  
D.B. 2562, PG. 340  
0.899 ACRES  
P.N. 010-071346

OHIO  
Utilities Protection  
SERVICE  
Call Before You Dig

1-800-362-2764

CALL TWO WORKING DAYS BEFORE YOU DIG  
(NON MEMBERS MUST BE CALLED DIRECTLY)

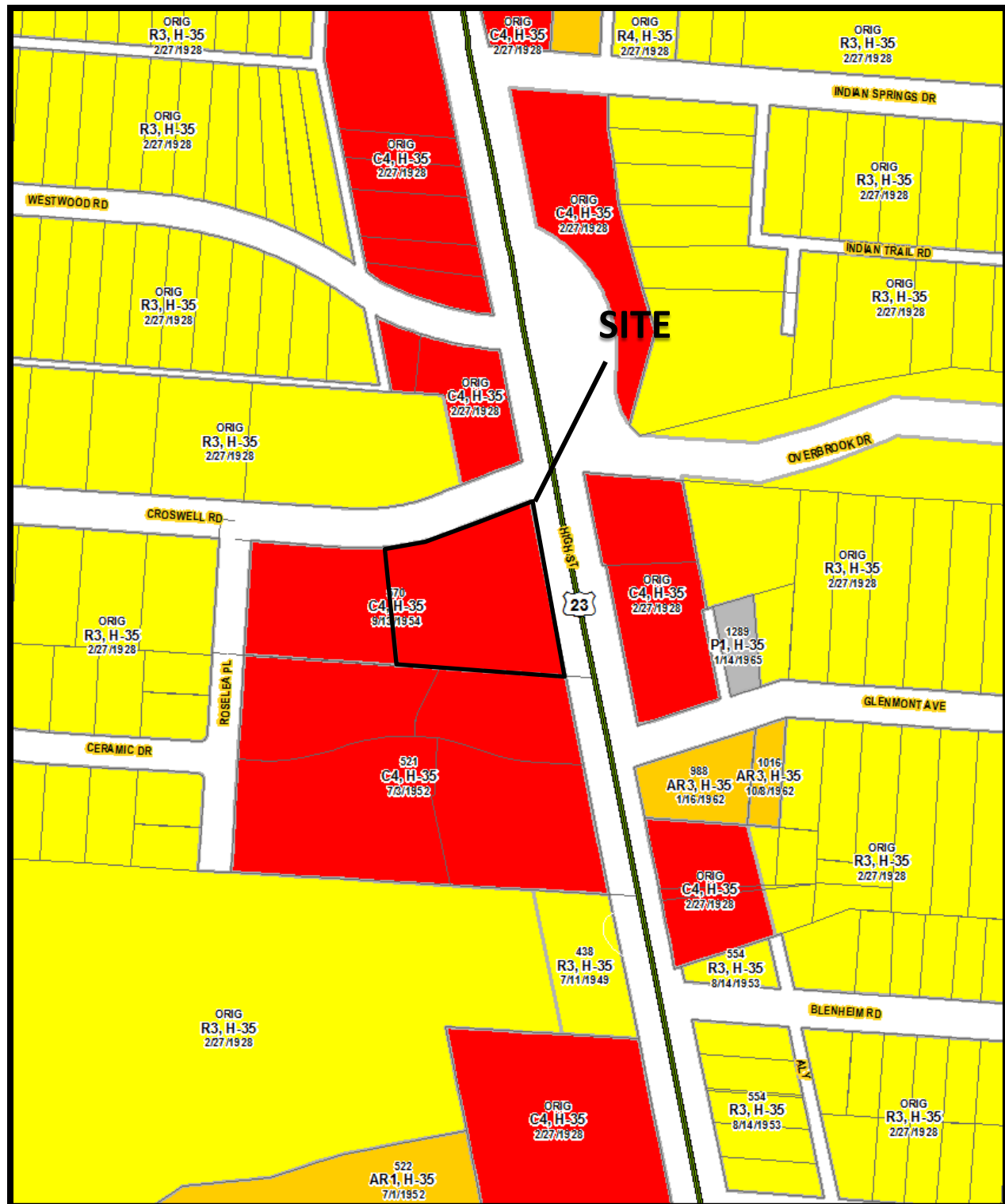


GRAPHIC SCALE

20 10 0 20  
( IN FEET )  
1 inch = 20 ft.

TRM #2



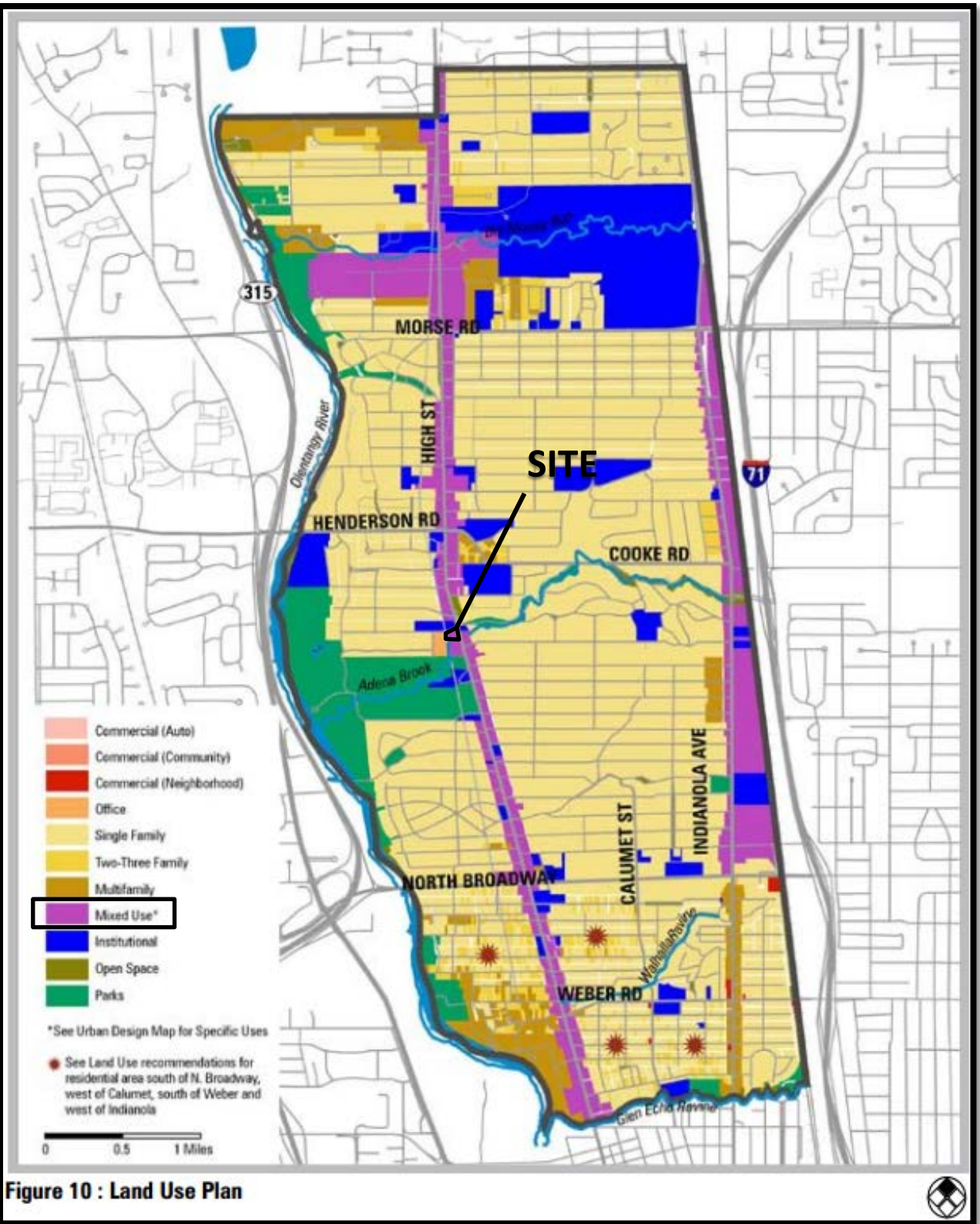


CV14-040  
4109 North High Street  
Approximately 1.27 acres



CV14-040  
4109 North High Street  
Approximately 1.27 acres





CV14-040  
 4109 North High Street  
 Clintonville Neighborhood Plan (2009)